

Patent  
Serial No. 09/954,648  
Appeal in Reply to Final Office Action of August 11, 2006  
and Advisory Action of October 20, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Atty. Docket: GB000126

JUDITH F.M. MASTHOFF ET AL.

Group Art Unit: 2174

Serial No. 09/954,648

Examiner: PENG KE

Filed: SEPTEMBER 18, 2001

CONF. NO. 7500

**TITLE:** GRAPHICAL USER INTERFACE

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

Appellants herewith respectfully present their Brief on Appeal  
as follows:

Patent  
Serial No. 09/954,648  
Appeal in Reply to Final Office Action of August 11, 2006  
and Advisory Action of October 20, 2006

REAL PARTY IN INTEREST

The real party in interest is Koninklijke Philips Electronics N.V., a corporation of The Netherlands having an office and a place of business at Groenewoudseweg 1, Eindhoven, Netherlands 5621 BA.

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RELATED APPEALS AND INTERFERENCES

To the best of Appellants' knowledge and belief, there are no related appeals or interferences.

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and Advisory Action of October 20, 2006

STATUS OF CLAIMS

Claims 1-18 and 20 are pending in this application. Claims 1-18 and 20 are rejected in the Final Office Action that issued August 11, 2006. This rejection was upheld, in an Advisory Action that issued October 20, 2006. Claims 1-18 and 20, as provided in the Amendment After Final Action submitted on September 20, 2006 are the subject of this appeal.

Patent  
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STATUS OF AMENDMENTS

An Amendment After Final Action was filed September 20, 2006 in response to a Final Office Action that issued August 11, 2006 which rejected claims 1-18 and 20 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite, and rejected claims 1-18 and 20 under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,707,476 (Hochstedler) in view of U.S. Patent No. 6,400,996 (Hoffberg), in view of U.S. Patent No. 6,593,938 (Sakata) further in view of U.S. Patent No. 7,079,166 (Hong). An Amendment After Final Action was submitted on September 20, 2006 amending Claims 1 and 7. The Advisory Action of October 20, 2006 considered the Amendment After Final Action but upheld the rejections. This Appeal Brief is in response to the Final Office Action of August 11, 2006 that rejected Claims 1-18 and 20 and the Advisory Action that upheld that rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

The present system, for example as claimed in Claim 1, relates to a method for customizing a graphical user interface for a computer controlled system. An example of such a graphical interface for a computer controlled system is provided in FIG. 1, including a television set 10, having a screen 12, a display 24, and a pattern recognition circuit 22. Operation of these systems is described in the accompanying text on page 3, line 7-23 of the present patent application, namely U.S. Patent Application Serial No. 09/954,648.

For an example of a selectable parameter, see display 24 in FIG. 1 and FIG. 2, showing illustrative selectable parameters that are channels {(1,2,3,4,5) and (1,5,6,3,2,4), respectively} on the display 24 of a television screen 12. Illustratively, the parameters are selected by the viewer of the television screen 12 pressing the UP button 16 or DOWN button 18 on remote 14 (see, FIG. 1, and the accompanying description contained on page 3, lines 7-9). The step of monitoring the selection of at least one selectable parameter by a user may be performed, for example, by

the additional circuit 22 which records patterns of channel selection. (See, page 3, line 6.) The step of pattern selection is determined, for example, by the additional circuit 22 which detects patterns of use, for example, that the viewer watches channels 1 and 5 most frequently. (See, page 3, lines 14-15.) The step of devising an optimized arrangement of the parameter selection which matches the pattern of selection, for example, is determined by the circuit 22 causing the display to be in optimized form. In display 24 of FIG. 2, channels shown in the order 1,5,6,3,2,4 is an example of an optimized arrangement of the parameter selection which matches the pattern of selection of the viewer/user. The optimized arrangement is displayed, for example in FIG. 2, by showing channels in an optimized arrangement in the channel order 1,5,6,3,2,4. Single clicking of an input device to accept the displayed optimized arrangement is described, for example, where the optimize button 20 is pressed once to approve of the optimized display 24 of FIG. 2 (see, page 3, lines 19-21). Clicking of the input device twice is utilized to cancel the displayed optimized arrangement (see, page 3, lines 21-23).

The present invention, for example, as claimed in claim 7, relates to a computer controlled system (for example, television display 10 and television screen 12 in FIG. 1) having a customizable graphical user interface (for example, television screen 12 in FIG. 1) by which a plurality of parameters (for example, channels 1,2,3,4,5,6 on display 24) can be selected (for example, channels selected by pressing the Up button 16 or Down button 18 on the remote control 18, see Fig. 1 and see page 3, lines 9-13). The computer controlled system comprising display means (screen 12) to display the parameters (for example, channels 1,2,3,4,5,6 on display 24); selection means to select the parameters (for example, Up button 16 and Down button 18 on remote 14 to change channels); monitoring means to monitor the selection of parameters (circuit 22 which records patterns of channel selection, see, page 3, line 6) and to devise an optimized arrangement of the parameter selection (for example, the circuit 22 causes the display 24 to be in optimized form as described on page 3, lines 16-17), and an input device (for example, remote 14) arranged so that a single clicking of the input device accepts the displayed optimized arrangement (for example, the button 20 is



pressed once, and the optimized display 24 of Figure 2 will always be provided in future on page 3, lines 20-21) and clicking of the input device twice cancels the displayed optimized arrangement (for example, pressing the Optimize button 20 twice cancels the optimization and the channel order of Figure 1 is reinstated as described on page 3, lines 22-23).

It should be explicitly noted that it is not the Applicants' intention that the currently claimed method be limited to operation within this illustrative system beyond what is required by the claim language. Further description of the illustrative system is provided indicating portions of the claims which cover the illustrative system merely for compliance with requirements of this appeal without intending any further interpreted limitations be read into the claims as presented.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-18 are indefinite due to the limitation "single clicking of an input device to accept the displayed optimized arrangement and double clicking of the input device to cancel the display optimized arrangement" not being supported by the specification or the original claims.

Whether claims 1-18 and 20 of U.S. Patent Application Serial No. 09/954,648 are obvious under 35 U.S.C. §103(a) over U.S. Patent No. 6,707,476 to Hochstedler ("Hochstedler") in view of U.S. Patent No. 6,400,996 to Hoffberg ("Hoffberg") in view of U.S. Patent No. 6,593,938 to Sakata ("Sakata") and further in view of U.S. Patent No. 7,079,166 to Hong ("Hong"). The Appellants respectfully wish the Board to address the patentability of independent Claim 1 and 7, and further Claims 2-6, 8-18 and 20, as depending on Claims 1 and 7, based on the requirements of Claims 1 and 7. This position is provided for the specific and stated purpose of simplifying the current issues on appeal. However, the Appellants herein specifically wish to reserve the right to argue and address the patentability of each of the further claims at a later date should

the separately patentable subject matter of those claims later become an issue. Accordingly, this limitation of the subject matter presented for appeal herein, specifically limited to discussions of the patentability of Claims 1 and 7, is not intended as a waiver of Appellants' right to argue the patentability of the further claims and claim elements at that later time.

ARGUMENTS

REJECTION OF CLAIMS 1-18 UNDER 35 U.S.C. §112, SECOND PARAGRAPH

In the Office Action, Claims 1-18 and 20 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite due to the limitation "single clicking of an input device to accept the displayed optimized arrangement and clicking of the input device twice to cancel the display optimized arrangement" allegedly not being supported by the specification or the original claims. (See, Final Office Action, page 2, paragraph 5.) The Appellants respectfully submit that these claims are clearly supported by the specification as submitted. For example, the present application on page 3, lines 19-23 clearly states in an illustrative example that (emphasis added) "[i]f the viewer approves of the optimisation, the button 20 is pressed once, and the optimised display 24 of Figure 2 will always be provided in future. If the viewer does not like the optimisation, pressing the Optimise button 20 twice cancels the optimisation and the channel order of Figure 1 is reinstated." Accordingly it is respectfully submitted that

Claims 1-18 and 20 are well supported by the specification as filed.

It is respectfully submitted that Claims 1-18 and 20 are definite and supported by the specification. Accordingly, it is respectfully requested that the 35 U.S.C. §112, second paragraph rejection be reversed.

REJECTION OF CLAIMS 1-18 UNDER 35 U.S.C. §103(A)

Claims 1-18 and 20 are said to be unpatentable over Hochstedler in view of Hoffberg in view of Sakata, further in view of Hong.

The Hochstedler Patent

Hochstedler is cited for merely showing a method of customizing a graphical user interface for a computer controlled system having at least one selectable parameter, comprising the steps of devising an optimized arrangement of parameter selection which matches a pattern of selection (see, column 5, line 37 - column 6, line 34); actuating an input mechanism such that a first actuation of the input device accepts the displayed optimized

arrangement and a second actuation of the input device cancels the displayed optimized arrangement (see, column 8, lines 43-55). However, the Final Office states and Appellants agree that Hochstedler fails to teach monitoring the selection of the at least one selectable parameter by a user, and determining any pattern of selection (see, Final Office Action, page 3, fourth paragraph); fails to teach displaying the optimized arrangement (see, Final Office Action, page 3, seventh paragraph); and fails to teach single clicking of input device to accept and clicking the input device twice to cancel (see, Final Office Action, page 4, second paragraph).

#### The Hoffberg Patent

Hoffberg is cited for teaching monitoring the selection of the at least one selectable parameter by a user and determining any pattern of selection shows a system for predicting a desired user function based on user history (see, Final Office Action, page 3, paragraph 5).

However, the Final Office states and Appellants agree that both Hochstedler and Hoffberg fail to teach displaying the

optimized arrangement (see, Final Office Action, page 4, second paragraph) and fail to teach single clicking of an input device to accept and double clicking to cancel (see, Final Office Action, page 3, paragraph 7).

#### The Sakata Patent

Sakata is cited for teaching allowing a user to preview an optimized arrangement (see, Final Office Action, page 3, paragraph 8). However, the Final Office states and Appellants agree that Hochstedler, Hoffberg and Sakata fail to teach single clicking of an input device to accept and double clicking to cancel (see, Final Office Action, page 3, paragraph 7).

#### The Hong Patent

Hong is cited for teaching single clicking of an input device to accept and double clicking to cancel. The Applicants respectfully disagree.

It is respectfully submitted that Hong has nothing to do with an optimized arrangement of a graphical user interface. Hong merely describes an operation shown in FIG. 8 (misidentified as

FIG. 7) wherein a single click cycles through elements provided on a particular tab (e.g., see, FIG. 4). As shown in FIG. 8, a "single click" at step 571, results in "Stay at the Setup tab" (step 573) and "Paper Size Change to the next available option" (step 575). This is described in the specification of Hong in Col. 5, lines 52-61. As is made clear by Hong (emphasis added) "[t]he end user can then cycle through the different paper sizes by continuing to single click on the paper sizes and repeating steps S71, S73, S75, and S77." See, Hong, Col. 6, lines 1-3.)

This clearly is not "single clicking of an input device to accept the displayed optimized arrangement" as required by claim 1 and as substantially required by claim 7.

Further, Hong further shows that double clicking is the act provided for selection that results in a change in the displayed screen to a further screen related to the selection (see, Hong, Col. 6, lines 4-7). As is made clear in Hong (emphasis added), "a user can cycle through the different settings until he or she reaches a desired setting, and the user can then indicate the desired setting, for example by 'double clicking' on the desired setting." (See, Hong, Col. 5, lines 26-29.)



Again, this clearly is not "clicking of the input device twice to cancel the displayed optimized arrangement" as required by claim 1 and as substantially required by claim 7. As should now be clear, in fact clicking twice in Hong is a selection of the provided option and accordingly, Hong teaches away from the claims as provided in the present patent application.

It is respectfully submitted that these features are nowhere disclosed or suggested in any combination of Hochstedler, Hoffberg, Sakata and Hong.

The Advisory Action on page 3 states that Hong teaches the above limitation by showing in FIG. 8 where a single click accepts the arrangement and a double click changes the arrangement as shown in items 573 and 572, which the Advisory Action alleges "is the same as canceling the current arrangement." The Appellants respectfully disagree. In Hong, an optimized arrangement is not canceled merely because a double click goes from a summary list screen 40 of FIG. 5a, to a screen detailing the selection of paper sizes (see, Hong, Col. 5, lines 29-45, particularly, lines 41-45). As made further clear in Hong in Col. 6, lines 14-17, [w]ith such operations in the present [Hong] invention, when the user makes a

selection in the summary list screen 40 of FIG. 1, an additional screen providing further details of the selection the user made is automatically displayed." In Hong, as should be clear, should the user desire, the user may return to the unchanged summary screen 40 since it in fact is not an optimized arrangement that is canceled by clicking on the selection twice.

As described previously, Hong does not disclose or suggest single clicking of an input device to accept the displayed optimized arrangement. In FIG. 8, the single click at step 571 actually changes the paper size, rather than, for example accepting a paper size or even accepting the arrangement provided. As described in column 6, lines 1-3 of Hong, "the end user can then cycle through different paper sizes by continuing to single click".

Further, a clicking of the input device twice to cancel the displayed optimized arrangement is not shown in Hong. The double clicking at step 572 merely caused the paper tab 44 to become the display screen (see, Hong, column 6, lines 6-7). The double clicking in Hong does not cancel a displayed optimized arrangement, rather, it selects the paper tab to be the display screen. Moreover, the setup tab still exists and is not, therefore,

canceled. The setup tab is merely not completely shown as the display screen when the paper tab becomes the display screen.

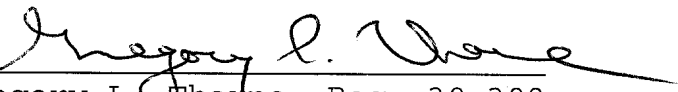
It is respectfully submitted that claims 1-18 and 20 are allowable for the above reasons and an indication to that effect is respectfully requested.

CONCLUSION

Claims 1-18 are definite and patentable over Hochstedler, Hoffman, Sakata, Hong and in any combination thereof.

Thus the Examiner's rejections of Claims 1-18 and 20 should be reversed.

Respectfully submitted,

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**APPENDIX A**

**CLAIMS ON APPEAL**

1. A method of customizing a graphical user interface for a computer controlled system having at least one selectable parameter, comprising the steps of:

monitoring the selection of the at least one selectable parameter by a user;

determining any pattern of selection;

devising an optimized arrangement of the parameter selection which matches the pattern of selection;

displaying the optimized arrangement; and

single clicking of an input device to accept the displayed optimized arrangement and clicking of the input device twice to cancel the displayed optimized arrangement.

2. A method according to Claim 1, in which the parameters are displayed as a menu and the order of the parameters in the menu is varied.

3. A method according to Claim 1, in which the selectable parameters are channels of a multi-channel television system.

4. A method according to Claim 1, in which the selectable parameters are processing parameters of an optical, processing system.

5. A method according to Claim 4, in which the optical system is an x-ray image processing system.

6. A method according to Claim 4, in which the optical system is an x-ray image recording system.

7. A computer controlled system having a customizable graphical user interface by which a plurality of parameters can be selected comprising:

display means to display the parameters;

selection means to select the parameters;

monitoring means to monitor the selection of parameters and to devise an optimized arrangement of the parameter selection, and

an input device arranged so that a single clicking of the input device accepts the displayed optimized arrangement and clicking of the input device twice cancels the displayed optimized arrangement.

8. A system according to Claim 7, in which the input device is a single button control.

9. A method according to Claim 1, in which the selectable parameters are displayed as a menu in the optimized arrangement and the first actuation of the input device accepts the optimized arrangement and the second activation of the input device cancels the optimized arrangement.

10. A method according to Claim 9, wherein the selectable parameters that are displayed on the menu are arranged in accordance with user preferences.

11. A method according to Claim 9, wherein the selectable parameters that are displayed on the menu are arranged according to recent usage.

12. A system according to Claim 7, in which the selectable parameters are displayed as a menu in the optimized arrangement and the first actuation of the input device accepts the optimized arrangement and the second activation of the input device cancels the optimized arrangement.

13. A system according to Claim 12, wherein the selectable parameters that are displayed on the menu are arranged in accordance with user preferences.

14. A system according to Claim 12, wherein the selectable parameters that are displayed on the menu are arranged according to recent usage.

15. A system according to Claim 7, in which the parameters are channels of a multi-channel television system.

16. A system according to Claim 7, in which the parameters are processing parameters of an optical, processing system.

17. A system according to Claim 16, in which the optical system is an x-ray image processing system.

18. A method according to Claim 16, in which the optical system is an x-ray image recording system.

19. (Canceled)

20. A method according to Claim 1, wherein the input device is a single button.



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**APPENDIX B**

**Evidence on Appeal**

None

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**APPENDIX C**

**Related Proceedings of Appeal**

None